



S T A T E B A R O F M I C H I G A N

p 517-346-6300 To: Honorable Members of the House Judiciary Committee
p 800-968-1442 From: Elizabeth K. Lyon, Director of Governmental Relations
f 517-482-6248 Date: March 24, 2011
www.michbar.org Re: HB 4106 (Oakes) Record Expunction: House Judiciary Committee Hearing

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The State Bar of Michigan's Board of Commissioners has not formally adopted a position on HB 4106. However, the State Bar has supported similar legislation in previous legislative sessions and it is anticipated that the State Bar will support HB 4106.

The State Bar's support is based on a broad spectrum of recommendations from the legal community, including its sections and committees. The State Bar's Criminal Jurisprudence and Practice Committee, Criminal Law Section, Justice Initiatives Committee, and Prisons and Corrections Section have all previously supported expanding the opportunity to apply for record expunction. Criminal defense attorneys, prosecutors and judges alike have supported this effort.

Reasons for support include:

- Individuals are able to apply for expungement based on specifically defined criteria in the sentencing court from which the conviction was imposed. A judge maintains discretion to review each case based on its individual merits.
- The ability to expunge a record allows for improved reintegration into the community for past offenders who can clearly demonstrate rehabilitation.
- Criminal convictions carry significant civil collateral consequences, such as the inability to enter military service, and denial of access to public housing or private housing (landlords will also often refuse residency to private housing based on criminal records), federal student loans and employment opportunities. Often the avenues that past offenders wish to pursue to further their lives as contributing members of society are closed due to a conviction. These prohibitions are significant to the offender but also to family members, such as children who are refused housing as a consequence of their parent's conviction.
- Often multiple criminal convictions arise from a single incident. Currently, an individual can only apply for expungement for one conviction. Increasing the opportunity for expungement could allow an individual who has been successfully rehabilitated to have a record expunged from the single incident.

I look forward to working with you on this important issue and commend Representative Oakes for introducing the bill and the Committee for its thoughtful consideration.